IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 42 OF 2006

Smita Shankar Nalekar & Ors. ... Petitioners

Versus

Mumbai Municipal Corpn. of
Gr. Mumbai and Ors. ... Respondents

Mr. Vinod Thakkar for Petitioner.

Mrs. P. Purandhare for R. Nos. 1 and 2.

Mr. A.A. Sayed, A.G.P. for R. No. 4.

Mr. G.N. Salunke for R. No. 5.

CORAM : F.I. REBELLO &
A.V. MOHTA, JJ.
DATED : MARCH 07, 2006

P.C.

. Rule. Heard forthwith.

. The Petitioner has been allotted final Plot No. 633. The Petitioner has come to this court on the ground that inspite of the plot being finalised and allotted to him, the possession of the building has not yet been handed over.

. The Respondent No. 5 has filed his reply.

. The Respondent No. 5 has been allotted final plot No. 634. Earlier the part of the plot now allotted as final plot No. 633 of the Petitioner was forming part of respondents plot. It is the case of the Respondent No. 5 that he has applied under Section 90(3) for compensation in respect of the structures which are now in final plot No. 633. The matter is pending before the State Government. Notice has been given to both the parties. However, the matter is not yet disposed of. Considering the controversy, petition can be disposed of by issuing the following directions :

(1) The State Government is directed to dispose of the pending Reference under Section 90(3) of the M.R.T.P. Act, within three months from today.

(2) On the disposal of the Reference under Section 90(3) and compliance of the order which may be made herein, the respondent No. 2 to take steps to hand over possession of final plot No. 633 to the Petitioners. If there be no other impediment in handing over of the plot.

. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(A.V. MOHTA,J.)